

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED  
USDC CLERK, COLUMBIA, SC  
2007 NOV 13 PM 2:53Burns, Alan L.

Enter the full name of the plaintiff in this action

## COMPLAINT

v.

Wanda Hagler Haile ; and S.C. Office  
of Appellate Defense,et al.Civil Action No. \_\_\_\_\_  
(to be assigned by Clerk)

Enter above the full name of defendant(s) in this action

## I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes \_\_\_\_\_ No \_\_\_\_\_  
I attempted to file in state court but that court's Clerk refused to file.
- B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

## 1. Parties to this previous lawsuit:

Plaintiff: Burns, Alan L.Defendant(s): Wanda Hagler ; and S.C. Office of Appellate Defense2. Court: Richland Co., 5<sup>th</sup> Judicial Circuit

(If federal court, name the district; if state, name the county)

3. Docket Number: N/A4. Name of Judge to whom case was assigned: N/A5. Disposition: Please see Attachment

(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: Attempted on Oct. 9, 20077. Approximate date of disposition: N/A

## II. PLACE OF PRESENT CONFINEMENT

- A. Name of Prison/Jail/Institution: Evans Corr. Inst.
- B. What are the issues that you are attempting to litigate in the above-captioned case?  
Legal Mal practice by state appointed counsel
- C. (1) Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐
- (2) Did you file a grievance concerning the claims you are raising in this matter? Yes ☐ No ☒  
These issues does not involve the prison system  
When \_\_\_\_\_ Grievance Number (if available) \_\_\_\_\_
- D. Have you received a final agency/departamental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes ☐ No ☐
- E. When was the final agency/departamental/institutional answer or determination received by you? \_\_\_\_\_  
*If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.*
- F. If there is no prison grievance procedure in this institution, did you complain to prison, jail, or institutional authorities? Yes ☐ No ☒
- G. If your answer is YES:
- What steps did you take? The issues of this suite does not involve this prison system
  - What was the result? \_\_\_\_\_

## III. PARTIES

*In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.*

- A. Name of Plaintiff: Burns, Alan L. Inmate No.: 143218  
Address: 610 Hwy 9 West Bennettsville, S.C. 29512

*In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.*

- B. Name of Defendant: Wanda Hagler Haile Position: Lawyer  
Sr. Assis. Appellate Defender  
Place of Employment: South Carolina Office of Appellate Defense
- C. Additional Defendants (provide the same information for each defendant as listed in Item B above):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## IV. STATEMENT OF CLAIM

State here as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

That I was subjected to legal malpractice of law by the named defendants in that on or about July 2003, I file notice of appeal to a criminal conviction. That on or about August 2003, the defendant Wanda Hagler Haile and the Office of the Appellate Defense was assigned to represent me. I objected to there representing me and requested leave of there office. That on or about December 5, 2003 Wanda Haile, the defendant did knowingly and with malicious intent and without my consent and/or knowledge file a brief with the Court of Appeals stating that my case was without merit and that my appeal should be denied. That the Brie filed was title Anders Brief which is based on the case Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, (1967), which barred attorney's from submitting No-merit Letters to the Courts. The Anders Brief that was filed equal that of the No-Merit Letter because it is always filed with a Petition from the lawyer asking to be relieved as counsel because the case had No-Merit. The defendant knew that the filing of this brief violated Rules 1.2, 1.3, and 1.4, SCACR, and that these Rules of the Court invokes Constitutional protections.

## V. RELIEF

State briefly and exactly what you want the court to do for you.

I ask for \$75,000.<sup>00</sup> in punitive damages as it was this brief that advised the court to dismiss my appeal. The State never filed a Reply and/or Return Brief. I also ask that this court issue an order barring the defendant's from filing any pleadings without first giving notice and obtaining consent from their clients. I ask that the defendant be ordered to pay all cost and/or fees resulting in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 9<sup>th</sup> day of November, 20 07.

  
Signature of Plaintiff

Cont.

Ag. 1, I. Previous Lawsuits

B.5 Disposition: By order from the State Attorney General and State Supreme Court to County Clerk's of Court inmates are now only being allowed to file Post-Conviction Relief Applications. Inmate's are not allowed to file any motions in their PCR cases or appeals. When such matters are mailed to the Circuit Courts, they are held and are never filed or returned unless specifically requested to be returned.